

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251 TSL-FKB

HALEY BARBOUR, as Governor of the State of Mississippi, *et al.*

DEFENDANTS

**MOTION FOR AN ENLARGEMENT OF TIME TO FILE THE
COURT MONITOR'S REPORT AND FOR AN ENLARGEMENT
OF TIME FOR THE PARTIES TO FILE RESPONSIVE PLEADINGS**

The Court Monitor (“Monitor”) appointed in the above-captioned matter respectfully moves the Court, pursuant to L.U.Civ.R. 7 of the United States District Courts for the Northern and Southern Districts of Mississippi, for an extension of time from January 15, 2013 to January 25, 2013, to file the six-month status report required by §VI.B. of the Modified Mississippi Settlement Agreement and Reform Plan (“MSA”). The parties do not object to this request. Moreover, on behalf of the parties, the Monitor requests that the Court extend the time from January 29, 2013 to February 15, 2013 for each of the parties to file a pleading responsive to the report.

The Monitor submits that enlargements of these filing deadlines are warranted in light of the efforts associated with finalizing the Monitor’s report, and the need to provide the parties with sufficient time in advance of the February 21, 2013 hearing to respond to the report. The grounds for this motion are set forth, in detail, in the accompanying Memorandum of Points and Authorities. A proposed order is attached hereto.

WHEREFORE, the foregoing motion should be granted.

Respectfully submitted, this 14th day of December, 2012.

/s/ Grace M. Lopes

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2012, the foregoing Motion for Enlargement of Time to File the Court Monitor's Report and for an Enlargement of Time for the Parties to File Responsive Pleadings, Memorandum of Points and Authorities in support thereof, and proposed Order were transmitted electronically to the following counsel of record in this matter:

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF MOTION FOR AN ENLARGEMENT OF TIME TO FILE THE
COURT MONITOR'S REPORT AND FOR AN ENLARGEMENT OF
TIME FOR THE PARTIES TO FILE RESPONSIVE PLEADINGS**

The Monitor's motion for enlargement of time should be granted for the reasons set forth below.

Section VI.B. of the MSA requires the Monitor to report to the Court on defendants' compliance in implementing the MSA and the annual implementation plans at 90 day intervals, alternating between oral reports delivered during telephonic status conferences and written reports filed in the record. Following submission of the Monitor's written report, the MSA contemplates that it will be addressed during a status conference. Thus, pursuant to the MSA, a telephonic status conference was conducted on October 25, 2012. During the conference, the Court established a schedule, requiring the Monitor to file a written status report by January 15, 2013, and the parties to file any responsive pleadings two weeks thereafter. A hearing related to the report was scheduled for February 21, 2013.

At the time the telephonic status conference was conducted, the Monitor anticipated that she would be able to file her written report by January 15, 2013. However, in light of several

unanticipated matters, it is apparent to the Monitor that she will need additional time to finalize her report. The Monitor has considered this carefully and is confident that she will be able to file the report by January 25, 2013. This ten-day extension of time will afford sufficient time for the Monitor to complete her current draft of the report, submit it to the parties for comment, make any revisions that appear warranted, and finalize the report.

The parties do not object to this motion. Assuming the Court grants the Monitor's request, the parties request that the Court adjust and enlarge the deadline for submission of their respective responsive pleadings from January 29, 2013 to February 15, 2013. This adjustment of the filing deadline for responsive pleadings is necessary in order to accommodate the requested modification to the report filing deadline and to allow for sufficient time for the parties to consider and respond to the Monitor's report.

For these reasons, the foregoing motion should be granted.

Respectfully Submitted,

/s/ Grace M. Lopes
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ORDER

Upon consideration of the Motion for an Enlargement of Time to File the Court Monitor's Report and for an Enlargement of Time for the Parties to File Responsive Pleadings, the Memorandum of Points and Authorities in support thereof, the lack of opposition thereto, and the entire record herein, it is by the Court on this _____ day of _____, 2012, hereby

ORDERED, that the Motion for an Enlargement of Time to File the Court Monitor's Report and for an Enlargement of Time for the Parties to File Responsive Pleadings, is hereby **GRANTED**; and it is

FURTHER ORDERED, that the Court Monitor shall file the six-month report by January 25, 2013, and the parties shall file all responsive pleadings by February 15, 2013.

TOM S. LEE
JUDGE

Copies to:

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